

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:23-cv-897

IN RE:)	
)	PLAINTIFFS' STATEMENT IN SUPPORT
CAMP LEJEUNE WATER LITIGATION)	OF PLAINTIFFS' LEADERSHIP'S
)	PROPOSED SECTION XI OF PROPOSED
This Document Relates To:)	CASE MANAGEMENT ORDER,
ALL CASES)	"DISCOVERY AND TRIAL PLAN"
)	

Plaintiffs' and the United States have made substantial progress on many preliminary case management issues, including the procedures for master and short form complaints and a short time frame for negotiating and submitting general litigation orders to the Court for its approval. However, despite our efforts, which included numerous meet and confers, Plaintiffs' and the United States are unable to reach agreement on the discovery and trial plan. As a result, Section XI of the proposed order includes competing discovery and trial plan positions of the Plaintiffs and the United States.

Plaintiffs' respectfully request that the Court adopt its discovery and trial plan (the "Plan"), which is designed to fairly, efficiently, and promptly move a meaningful number of Plaintiffs forward to trial. The Plan would select discovery pool Plaintiffs, based initially on key ATSDR-studied diseases, within sixty (60) days of the master complaint filing and begin discovery on those Plaintiffs immediately after selection of the discovery pool. It also anticipates the Parties, together with the Court, will work together to select Plaintiffs with the same disease to be bundled together for trial. Multi-plaintiff trials are commonplace in consolidated actions in federal court and will allow Plaintiffs and the United States to quickly

gain more information about the value of various cases than they would gain from single-plaintiff trials. That, in turn, will better facilitate global settlement discussions.

The Plan contemplates that some of the Track 1 trials will begin, subject to each individual Judge's schedule, in the first quarter of 2024. That is only fair; United States Marines stationed at Camp Lejeune and suffered disease as result of that tour of duty have waited nearly 40 years to have the right to present their case in Court. They deserve their day in court without further delay. The Plan that Plaintiffs provides that opportunity and is fair and appropriate under the special circumstances presented in this historic case.

In contrast, the United States essentially has not presented a concrete discovery and trial plan that would result in trials in 2024. And the government's proposal for Track 3, in particular, is especially ill conceived to assist in the goal of overall settlement of the greatest number of cases. To propose diseases with 15 or less filed Plaintiffs in the early discovery and trial tracks does not assist in the overall resolution of this case. Such a delayed plan is unfair to the Plaintiffs, who after decades of facing roadblocks to recover compensation for the injuries the United States caused them, especially as it has now been over a year since Congress passed the Camp Lejeune Justice Act and the Navy has not yet offered a single settlement to claimants.

The fundamental reason the Parties were unable to reach agreement is the United States is considering this litigation as an "immature tort"; *i.e.*, a case that is in its infancy and essentially undeveloped. That is not this case. Agencies of the United States have extensively evaluated the science underlying the contamination and diseases caused by the contamination at Camp Lejeune for years. Moreover, the United States, similar to the Plaintiffs, has had over a year since the Camp Lejeune Justice Act was passed to prepare to litigate these specific claims. There is nothing "new" about this case, and the United States' reliance on cherry-picked provisions of the

Manual for Complex Litigation, which focuses generally on newly filed lawsuits, are not instructive for this case.

The United States cannot complain that Plaintiffs' proposal moves too fast, that that speed would prejudice the United States, or that it would result in an inordinate amount of work. Given the history and scope of this litigation, as well as the considerable resources of the United States, it is entirely appropriate to expect the parties to engage in factual and expert discovery for dozens of Plaintiffs promptly, and to try multi-Plaintiff trials. Further, while multi-Plaintiff trials are essential, the Plan recognizes that the mechanism for bundling them together will be the subject of further meet and confers with the United States and discussion with the Court during the discovery phase.

DATED this 28th day of August 2023.

Respectfully submitted,

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